

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Tenth day of August Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.19047 of 2018

1 M.KUGAN,
2 S.MOORTHY,

[PETITIONERS / ACCUSED]

Vs

THE INSPECTOR OF POLICE [RESPONDENT]
DISTRICT CRIME BRANCH,
THIRUVALLUR DISTRICT,
CR.NO.16 OF 2018.

For Petitioner : M/S.B.MOHANRAJ Advocate

For Respondent : MR. C.IYYAPPARAJ, ADDL. PUBLIC PROSECUTOR

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 406 and 420 I.P.C. in Crime No.16 of 2018 on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution that the defacto complainant one Mr.Jayakumar gave a complaint before the respondent Police stating that the above accused along with his wife of A1 have promised to secure a Government Job to him and the defacto complainant along with his brothers and cousin gave Rs.13,50,000/- to the accused for securing Government Job. After several months they did not secure them a Government job and when the defacto complainant have asked back for money paid by him the accused refused to give back the money and did not secure any Government Job. Hence, a complaint was lodged to the respondent police. The respondent police registered a case.

3.The learned counsel appearing for the petitioners would submit that the petitioners had paid the entire amount due to the defacto complainant and they were innocent of the alleged offences and they are no way connected with the above offences.

4.The learned Additional Public Prosecutor appearing for State submits that the investigation is still pending.

5. In view of the above, the amount involved in complaint settled hence, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Poonamallee, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall report before the respondent police as and when required for interrogation;

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]**; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

10/08/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, POONAMALLEE.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVALLUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

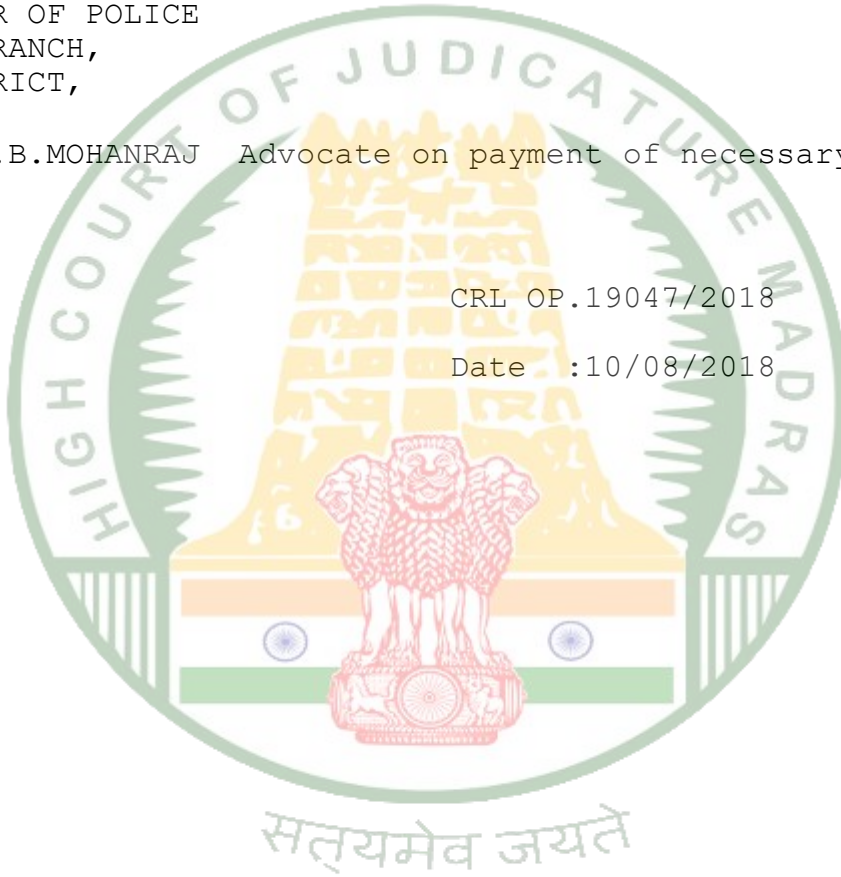
4 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
THIRUVALLUR DISTRICT,

+1 CC to M/S.B.MOHANRAJ Advocate on payment of necessary
charges-Sr.15082

CRL OP.19047/2018

Date :10/08/2018

ths : 16.08.2018



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